



City of Huntington Beach Planning and Building Department
STUDY SESSION REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning and Building
BY: Tess Nguyen, Associate Planner *TN*
DATE: August 23, 2011

SUBJECT: **CONDITIONAL USE PERMIT NO. 11-014 (CHILE VERDE RESTAURANT ALCOHOL SALES)**

APPLICANT: Monica Torres, P.O. Box 3283, Gardena, CA 90247

BUSINESS

OWNER: Jose Bahena, P.O. Box 3283, Gardena, CA 90247

PROPERTY

OWNER: Valbeach Garfield LLC, 4770 Campus Drive #220, Newport Beach CA 92660

LOCATION: 18900 Beach Boulevard #112, 92648 (east side of Beach Boulevard, north of Garfield Avenue)

PROJECT REQUEST AND SPECIAL CONSIDERATIONS

Conditional Use Permit No. 11-014 represents a request to allow the sales and service of alcoholic beverages (beer and wine) for on-site consumption within an existing 1,800 sq. ft. eating and drinking establishment, established by Administrative Permit No. 08-015.

The business owner is operating the use as a sit down restaurant. The restaurant employs approximately 6 people. The hours of operation for the use are between 10:00 AM and 9:00 PM seven days a week. The use is within an existing commercial shopping center, which includes retail, eating and drinking establishments, and personal services.

CURRENT LAND USE, HISTORY OF SITE, ZONING AND GENERAL PLAN DESIGNATIONS

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	M-sp-d (Mixed use – specific plan – design overlay)	SP-14 (Beach & Edinger Corridors Specific Plan)	Commercial
North, South (across Garfield Avenue), and West (across Beach Boulevard) of Subject Property:	M-sp-d	SP-14	Commercial
East of Subject Property:	RM-15 (Residential Medium Density--Max. 15 du/ac)	RM (Residential Medium Density)	Multi-Family Residential

The City approved Use Permit No. 77-97 for construction of the approximately 26,720 sq. ft. shopping center. In 2008, an eating and drinking establishment with more than 12 seats was approved within the 1,800 sq. ft. subject suite.

APPLICATION PROCESS AND TIMELINES

DATE OF COMPLETE APPLICATION:

July 21, 2011

MANDATORY PROCESSING DATE(S):

September 21, 2011

Conditional Use Permit No. 11-014 was filed on June 2, 2011 and deemed complete on July 21, 2011. The application is tentatively scheduled for a public hearing before the Planning Commission on September 13, 2011.

CEQA ANALYSIS/REVIEW

The proposed project is Categorically Exempt pursuant to Section 15301, Class 1, of the California Environmental Quality Act, which states that minor alterations to existing or approved structures are exempt from further environmental review.

COMMENTS FROM CITY DEPARTMENTS AND OTHER PUBLIC AGENCIES

The Departments of Planning and Building, and Police have reviewed the application and identified applicable code requirements (Attachment No. 4).

PUBLIC MEETINGS, COMMENTS AND CONCERNS

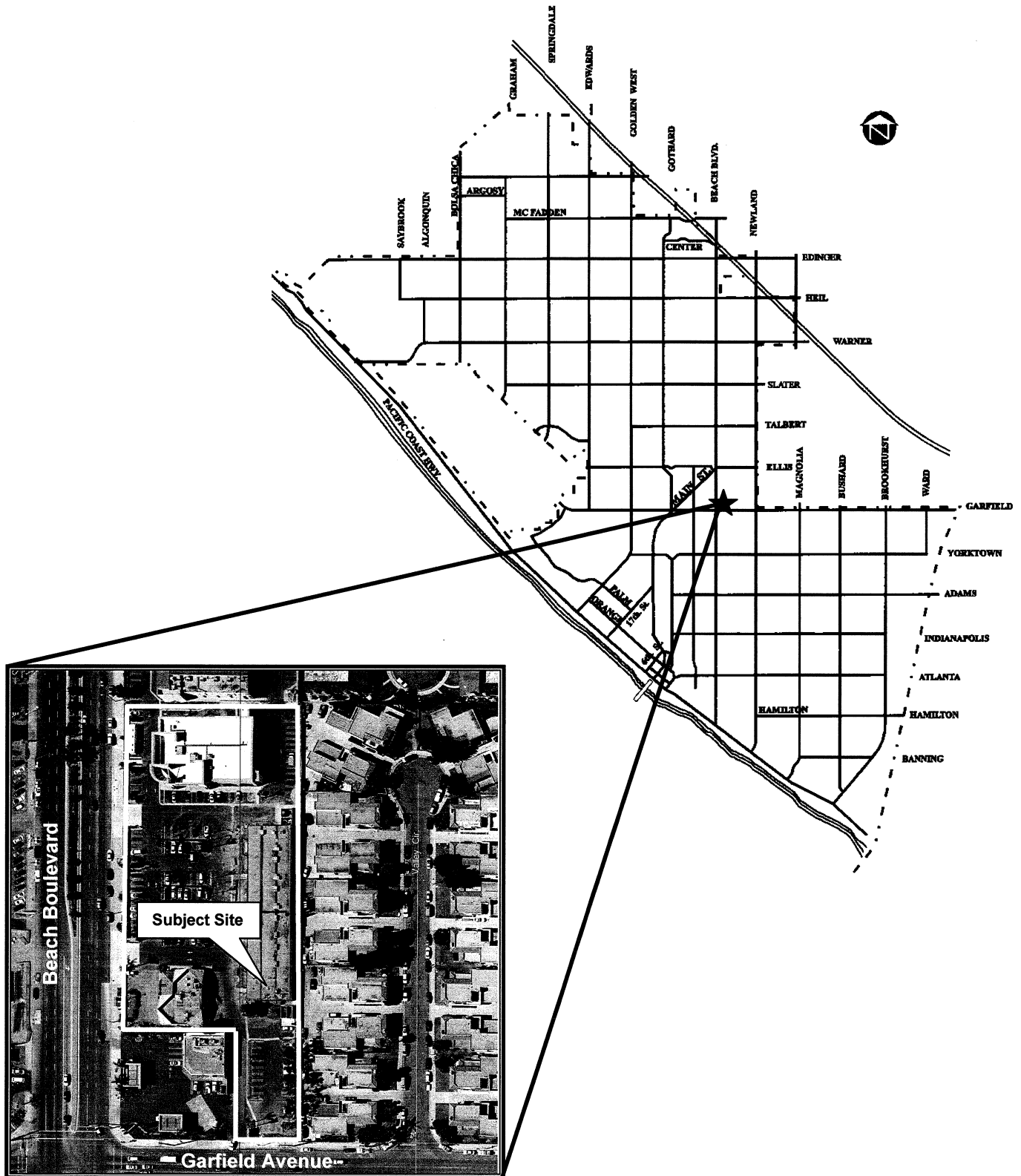
There have been no public meetings regarding this request. To date, there have been no comments from the public regarding this request.

PLANNING ISSUES

The primary issue identified with the addition of alcohol sales to the existing eating and drinking establishment is related to land use compatibility. In general, the proposed use is consistent with scope and intent of development in commercial zones supported by the General Plan. In addition, suggested conditions of approval which address land use compatibility are recommended.

ATTACHMENTS:

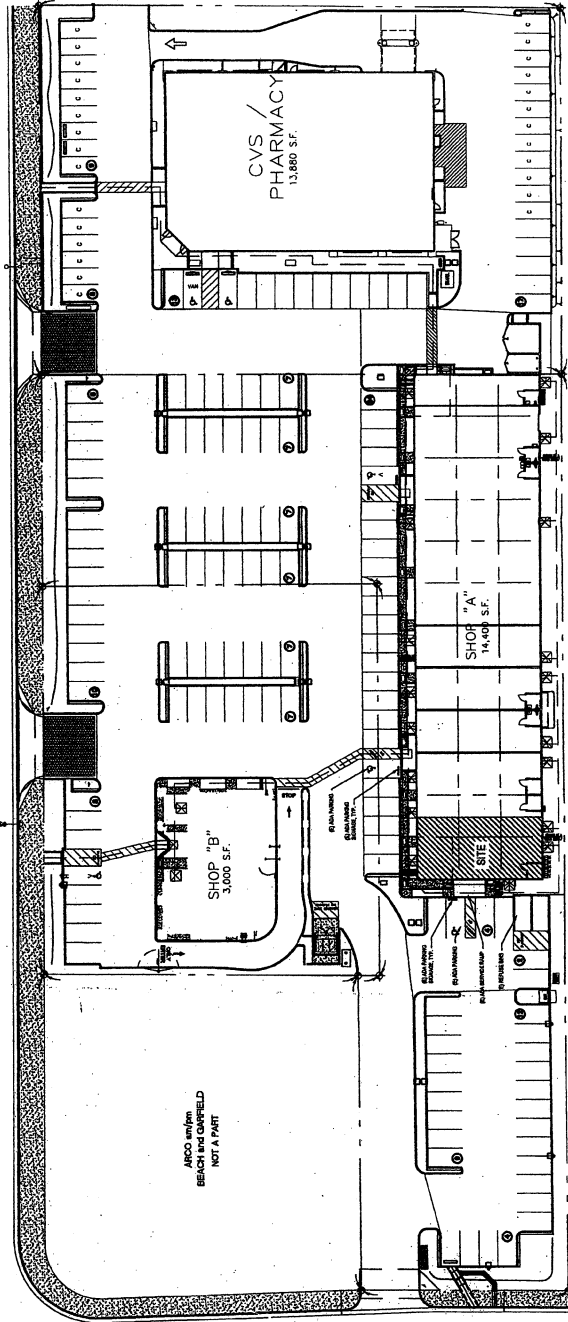
1. Vicinity Map
2. Site Plan and Floor Plan received and dated June 2, 2011
3. Project Narrative received and dated June 2, 2011
4. Code Requirements Letter dated July 21, 2011



VICINITY MAP
CONDITIONAL USE PERMIT NO. 11-014
(CHILE VERDE RESTAURANT—18900 BEACH BOULEVARD #112)

11.00.00

BEACH BOULEVARD



GARFIELD AVENUE

ATTACHMENT NO. 2.1

GENERAL NOTES

1. THE SITE PLAN AND BUILDING INFORMATION ARE FOR REFERENCE ONLY. THE SITE PLAN AND BUILDING INFORMATION ARE NOT TO BE USED FOR CONSTRUCTION OR FOR ANY OTHER PURPOSE. THE SITE PLAN AND BUILDING INFORMATION ARE NOT TO BE USED FOR ANY OTHER PURPOSE.
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GROUP INC.

15904 N. 77th STREET
SCOTTSDALE, AZ 85260
602.277.7871

City of Scottsdale, Arizona
City of Scottsdale, Arizona
City of Scottsdale, Arizona

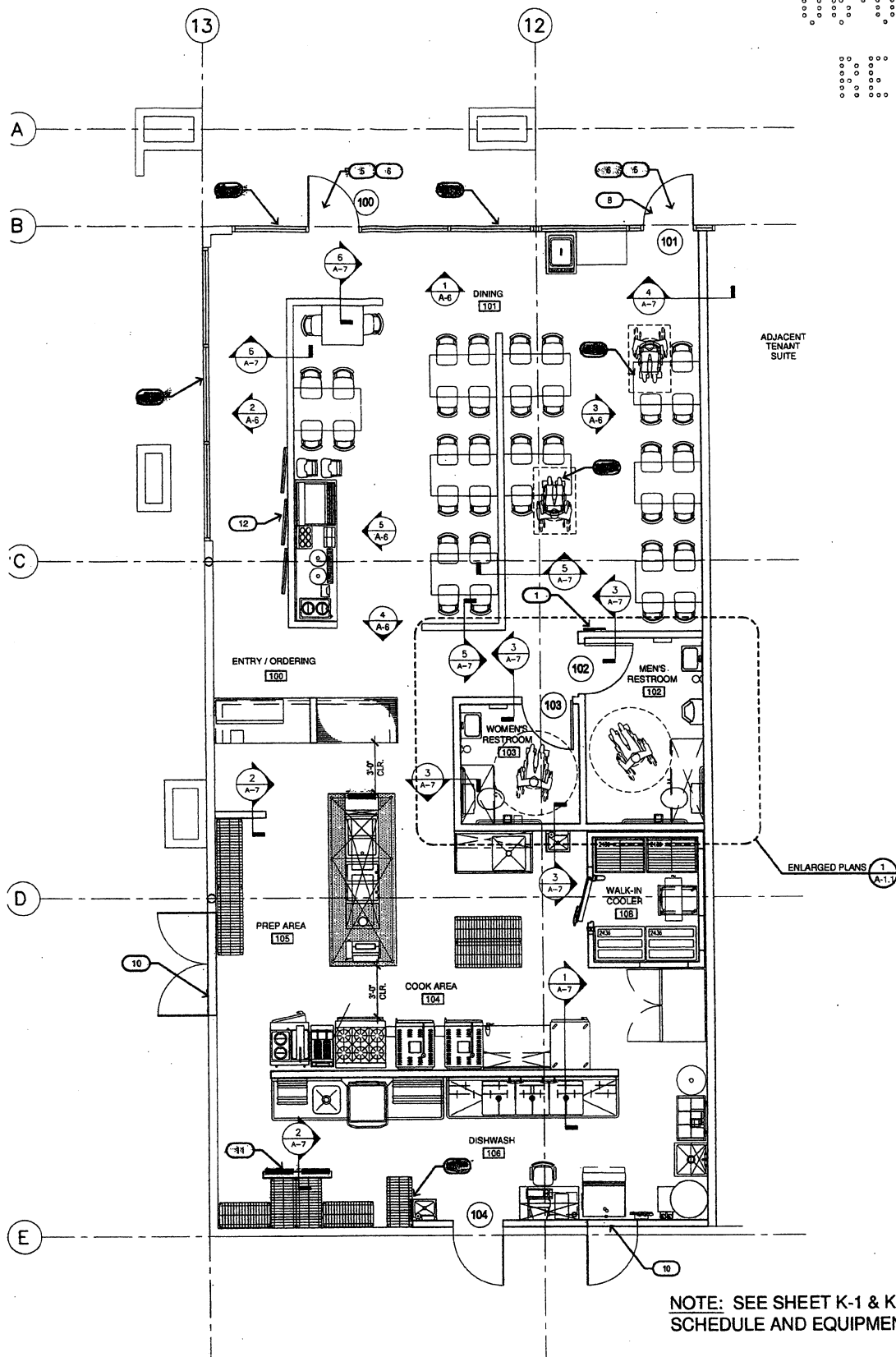
REFERENCE SITE PLAN

15904 N. 77th STREET, SUITE 112
HUNTINGTON BEACH, CA 92648

Project No. 00000
Scale 1/8" = 1'-0"
Date 8/14/08
Drawn By [illegible]
Checked By [illegible]
Approved By [illegible]

G-2

PREVIOUSLY APPROVED
SITE PLAN AND BUILDING
INFORMATION. ANY CHANGES
SUBMITTAL PROPOSED BY SHELL
ARCHITECT
- FOR REFERENCE ONLY -



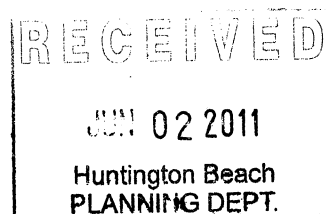
1 FLOOR PLAN
SCALE: 1/4" = 1'-0"

SCALE: 1/4" = 1'-0"



May 16, 2011

To: City of Huntington Beach
Planning Department
2000 Main Street
Huntington Beach, CA 92648



Re: Application for Conditional Use Permit for the following Business Address:
18900 Beach Blvd. Ste 112
Huntington Beach, CA 92648


We are hereby requesting a Conditional Use Permit in order to obtain a Beer & Wine License for our Restaurant Business named Chile Verde which will be serving Mexican Food exclusively at the above location. This is sitting down restaurant with a capacity of 40 consumers to sit down. In order to better service our clients and provide them with a variety of beverages we would like to include Beer & Wine. The restaurant is in an 1800 Square Foot Unit with 2 restrooms. The hours of Operation are Monday through Sunday from 10am to 9pm. There are currently 6 employees working at this location.

The restaurant is located in a shopping center which also has a CVS Pharmacy North and an Arco Gas Station South of it and various businesses located east and west adjacent to the location. The City of Huntington Beach has a population according to the Census 2010 of 202,566 of which approximately 79% are White, 14% Hispanic, 9% Asian.

We are also located in other cities such as Carson with 2 locations, Torrance also with 2 locations, Hawthorne, El Segundo, Santa Ana, Inglewood and Long Beach.

If you have any questions please do not hesitate to contact my agent Monica Torres at 310-701-1684.

Thank you,

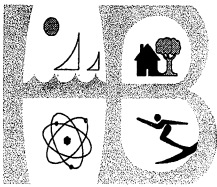


Jose G Bahena



Monica Torres

ATTACHMENT NO. 3.1



City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

DEPARTMENT OF PLANNING AND BUILDING

www.huntingtonbeachca.gov

Planning Division

714.536.5271

Building Division

714.536.5241

July 21, 2011

Monica Torres
P.O. Box 3283
Gardena CA 90247

**SUBJECT: CONDITIONAL USE PERMIT NO. 2011-014 (CHILE VERDE ALCOHOL SALES) – 18900 BEACH BOULEVARD #112
PROJECT IMPLEMENTATION CODE REQUIREMENTS**

Dear Ms. Torres:

In order to assist you with your development proposal, staff has reviewed the project and identified applicable city policies, standard plans, and development and use requirements, excerpted from the City of Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes. This list is intended to help you through the permitting process and various stages of project implementation.

It should be noted that this requirement list is in addition to any "conditions of approval" adopted by the Planning Commission. Please note that if the design of your project or site conditions change, the list may also change.

If you would like a clarification of any of these requirements, an explanation of the Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes, or believe some of the items listed do not apply to your project, and/or you would like to discuss them in further detail, please contact me at 714-374-1744 (tnguyen@surfcity-hb.org) and/or the respective source department (contact person below).

Sincerely,

Tess Nguyen

TESS NGUYEN
Associate Planner

Enclosures

cc: Mark Carnahan, Building & Safety Department – 714-374-1792
 Kevin Kessler, Police – 714-536-5994
 Herb Fauland, Planning Manager
 Project File

Darin Maresh, Fire Department – 714-536-5531
Jason Kelly, Planning Department
Valbeach Garfield LLC, Property Owner

ATTACHMENT NO. 4.1



CITY OF HUNTINGTON BEACH PLANNING DIVISION

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: JUNE 30, 2011
PROJECT NAME: CHILE VERDE RESTAURANT ALCOHOL SALES
PLANNING APPLICATION NO. PLANNING APPLICATION NO. 11-0081
ENTITLEMENTS: CONDITIONAL USE PERMIT NO. 11-014
DATE OF PLANS: JUNE 2, 2011
PROJECT LOCATION: 18900 BEACH BOULEVARD #112, HUNTINGTON BEACH
PLAN REVIEWER: TESS NGUYEN, ASSOCIATE PLANNER
TELEPHONE/E-MAIL: (714) 374-1744 / TNGUYEN@SURFCITY-HB.ORG
PROJECT DESCRIPTION: TO PERMIT THE SALES AND SERVICE OF ALCOHOLIC BEVERAGES FOR ON-SITE CONSUMPTION WITHIN A 1,800 SQ. FT. EATING & DRINKING ESTABLISHMENT.

The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided should final project approval be received. If you have any questions regarding these requirements, please contact the Plan Reviewer.

CONDITIONAL USE PERMIT NO. 11-014:

1. The site plan, floor plans, and elevations approved by the Planning Commission shall be the conceptually approved design.
2. Prior to issuance of building permits, the Beach and Edinger Corridors Specific Plan fee shall be paid for remodels in the Beach and Edinger Corridors Specific Plan (SP-14) area). (**Resolution No. 2010-80**)
3. The structure(s) cannot be occupied until a Certificate of Occupancy is approved and issued by the Planning & Building Department. (**HBMC 17.04.036**)
4. The Development Services Departments (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning & Building may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services

Departments have reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the provisions of HBZSO Section 241.18. **(HBZSO Section 241.18)**

5. Conditional Use Permit No. 11-011 shall not become effective until the appeal period following the approval of the entitlement has elapsed. **(HBZSO Section 241.14)**
6. Conditional Use Permit No. 11-001 shall become null and void unless exercised within one year of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning Department a minimum 30 days prior to the expiration date. **(HBZSO Section 241.16.A)**
7. The Planning Commission reserves the right to revoke Conditional Use Permit No. 11-011 pursuant to a public hearing for revocation, if any violation of the conditions of approval, Huntington Beach Zoning and Subdivision Ordinance or Municipal Code occurs. **(HBZSO Section 241.16.D)**
8. The project shall comply with all applicable requirements of the Municipal Code, Building & Safety Department and Fire Department, as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein. **(City Charter, Article V)**
9. Construction shall be limited to Monday – Saturday 7:00 AM to 8:00 PM. Construction shall be prohibited Sundays and Federal holidays. **(HBMC 8.40.090)**
10. The applicant shall submit a check in the amount of \$50.00 for the posting of the Notice of Exemption/Determination at the County of Orange Clerk's Office. The check shall be made out to the County of Orange and submitted to the Planning Department within two (2) days of the Planning Commission's approval of entitlements. **(California Code Section 15094)**
11. All permanent, temporary, or promotional signs shall conform to Chapter 233 of the HBZSO. Prior to installing any new signs, changing sign faces, or installing promotional signs, applicable permit(s) shall be obtained from the Planning & Building Department. Violations of this ordinance requirement may result in permit revocation, recovery of code enforcement costs, and removal of installed signs. **(HBZSO Chapter 233)**
12. Live entertainment and/or outdoor dining in excess of 400 sq. ft. shall not be permitted unless a conditional use permit for this specific use is reviewed and approved. Outdoor dining occupying less than 400 sq. ft. is subject to Neighborhood Notification and approval by the Director of Planning. **(HBZSO Section 211.04)**



CITY OF HUNTINGTON BEACH

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: JUNE 6, 2011

PROJECT NAME: CHILE VERDE ALCOHOL SALES

PLANNING APPLICATION NO.: PLANNING APPLICATION NO. 11-0081

ENTITLEMENTS: CONDITIONAL USE PERMIT NO. 11-014

DATE OF PLANS: JUNE 2, 2011

PROJECT LOCATION: 18900 BEACH #112, HUNTINGTON BEACH

PROJECT PLANNER: TESS NGUYEN, ASSOCIATE PLANNER

PLAN REVIEWER: MARK CARNAHAN/ INSPECTION MANAGER

TELEPHONE/E-MAIL: (714) 374-1792/ mcarnahan@surfcity-hb.org

PROJECT DESCRIPTION: TO PERMIT THE ONSITE SALES AND CONSUMPTION OF BEER AND WINE WITHIN AN EXISTING 1,800 SQ. FT. RESTAURANT.

The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

1. Any modifications necessary to refrigerate or dispense alcoholic beverages are subject to a permit.



CITY OF HUNTINGTON BEACH

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: JUNE 6, 2011
PROJECT NAME: CHILE VERDE ALCOHOL SALES
PLANNING APPLICATION NO.: PLANNING APPLICATION NO. 11-0081
ENTITLEMENTS: CONDITIONAL USE PERMIT NO. 11-014
DATE OF PLANS: JUNE 2, 2011
PROJECT LOCATION: 18900 BEACH #112, HUNTINGTON BEACH
PROJECT PLANNER: TESS NGUYEN, ASSOCIATE PLANNER
PLAN REVIEWER: DARIN MARESH, FIRE DEVELOPMENT SPECIALIST
TELEPHONE/E-MAIL: (714) 536-5531/ DAMARESH@surfcity-hb.org
PROJECT DESCRIPTION: TO PERMIT THE ONSITE SALES AND CONSUMPTION OF BEER AND WINE WITHIN AN EXISTING 1,800 SQ. FT. RESTAURANT.

The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

FIRE HAS NO COMMENTS

ATTACHMENT NO. 4.5



HUNTINGTON BEACH POLICE DEPARTMENT

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: JUNE 23, 2011
PROJECT NAME: CHILI VERDE
PLANNING APPLICATION NO. PLANNING APPLICATION NO. 11-0081
ENTITLEMENTS: CONDITONAL USE PERMIT NO. 11-014
DATE OF PLANS: JUNE 2, 2011
PROJECT LOCATION: 18900 BEACH #112, HUNTINGTON BEACH
PLAN REVIEWER: DETECTIVE KESLER #1191
TELEPHONE/E-MAIL: (714) 536-5994 / KKESLER@HBPD.ORG
PROJECT DESCRIPTION: TO PERMIT THE ONSITE SALES AND CONSUMPTION OF BEER AND WINE WITHIN AN EXISTING 1,800 SQ. FT. RESTAURANT

The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

The Police Department does not believe the modification will significantly affect the business activity or increase the potential to create public nuisances, as the location's primary business emphasis will remain unchanged as a full service restaurant but will add the addition of on-site alcohol sales.

In order to prevent the location from operating as a night club or public premise, we recommend the following conditions be added to a new Conditional Use Permit:

1. To ensure the location maintains a restaurant atmosphere, food service from the regular menu shall be available from the time the business opens to the public, until at least 30 minutes prior to the scheduled closing time.
2. All alcoholic beverages shall remain within the interior of the restaurant and bar. Service of alcoholic beverages for consumption off-site will not be permitted.

ATTACHMENT NO. 4.6

3. In order to reduce noise disturbances to the residential community located less than 100 feet from the east end of the building, all exterior doors will remain closed during business hours.
4. All areas where the sales, service, and consumption of alcoholic beverages will be permitted must be sufficiently illuminated to permit the identification of patrons.
5. Dancing and entertainment shall be prohibited.